

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

CYPRESS PHARMACEUTICALS, INC., *ET*
AL.

Plaintiff(s)

v.

**CIVIL ACTION 3:10cv691-TSL-MTP
No.**

CRS MANAGEMENT, INC., *ET AL.*

Defendant(s)

CASE MANAGEMENT ORDER

This Order, including the deadlines established herein, having been established with the participation of all parties, can be modified only by order of the court upon a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record. IT IS HEREBY ORDERED:

**1. ALTERNATIVE DISPUTE RESOLUTION
[ADR].**

 X **A.** Alternative dispute resolution techniques appear helpful and will be used in this civil action as follows: See paragraph 13 below.

 B. At the time this Case Management Order is offered it does not appear that alternative dispute resolution techniques will be used in this civil action.

**2. CONSENT TO TRIAL BY UNITED STATES MAGISTRATE
JUDGE.**

 A. The parties consent to trial by a United States Magistrate Judge.

 X **B.** The parties do not consent to trial by a United States Magistrate Judge.

3. DISCLOSURE.

☐ **A.** The pre-discovery disclosure requirements of L.U.Civ.R 26(a)(1) have been
_____ complied with fully.

☒ **B.** The following additional disclosure is needed and is hereby ordered: The parties
_____ are to complete pre-discovery disclosures on or before October 4, 2011.

4. MOTIONS; ISSUE BIFURCATION.

☐ **A.** The court finds and orders that early filing of the following motion(s) might
_____ significantly affect the scope of discovery or otherwise expedite the resolution of
this action:

☒ **B.** The court finds and orders that staged resolution, or bifurcation of the issues for
_____ trial in accordance with FED. R. CIV. P. 42(b),

_____ **(1)** Will assist in the prompt resolution of this action.

☒ **(2)** Will not assist in the prompt resolution of this action.

Accordingly, the court orders that:

5. DISCOVERY PROVISIONS AND LIMITATIONS.

A. Interrogatories are limited to 25 succinct questions. Requests for Production and
Requests for Admissions are limited to

_____ 50 succinct questions.

B. Depositions are limited to the parties and no more than

_____ 10 fact witness depositions per party without additional approval of the court.

C. The parties have complied with the requirements of Local Rule
26(e)(2)(B) regarding discovery of electronically stored information and
have concluded as follows: The parties have agreed to produce electronic
materials as image files with accompanying load files, and to work
☒ together in good faith to produce certain other materials in native format.

D. X The court orders that further discovery provisions or limitations be imposed:

- X 1. Pursuant to Rule 502(d) of the Federal Rules of Evidence, the attorney-client privilege and the work-product protections are not waived by any disclosure connected within this litigation pending before this Court. Further, the disclosures are not waived in any other federal or state proceeding.
- X 2. The parties are working on an Agreed Stipulation and Protective Order to govern the use, reproduction and dissemination of confidential materials and intend to submit it to the court for consideration within two weeks. Should the parties be unable to agree as to the scope of a proposed protective order, they are directed to promptly file an appropriate motion so that any such disputes will not delay the discovery process.

6. Scheduling Deadlines *The appropriate scheduling deadlines based upon the track designation shall not be included in the proposed Case Management Order. (Deadlines shall be determined at the telephonic case management conference).*

SCHEDULING DEADLINES
(To be completed by the court only)

IT IS HEREBY ORDERED AS FOLLOWS:

7. Trial.

A. This action is set for trial commencing on:

B. Reserved Trial Period (two-week limitation):

February 4 - March 1, 2013 before
District Judge Tom S. Lee

C. Conflicts (the court will only consider conflicts specified in this Case Management Order): None.

D. This is a [check one]: X Jury Trial Non-Jury Trial

Estimated time for trial: 1-2 weeks

8. **Pretrial.** The pretrial conference is set January 14, 2013 before District Judge Tom
on: S. Lee

9. **Discovery.** All discovery shall be completed August 1, 2012
by:

10. **Amendments.** Motions for joinder of parties or amendments to the pleadings shall be
served
by: October 20, 2011

11. **Experts.** The parties' experts shall be designated by the following dates:

A. Plaintiff: April 1, 2012

B. Defendant: May 15, 2012

12. **Motions** All motions other than motions *in limine* shall be filed August 15, 2012
by:

The deadline for motions *in limine* is fourteen days before the pretrial
conference; the deadline for responses is seven days before the pretrial
conference. *Daubert* motions are due by the motions deadline of August
15, 2012.

13. **Settlement Conference
or Private Mediation.** A settlement conference with the court or a private
mediation in this matter is required. The parties are to
schedule and complete same by the discovery deadline.

- 14. Report Regarding ADR.** On or before January 7, 2013, the parties must report to the undersigned all ADR efforts they have undertaken to comply with the Local Rules or provide sufficient facts to support a finding of just cause for failure to comply. *See* L.U.Civ.R. 83.7(f)(3).

ORDERED: September 20, 2011

s/Michael T. Parker

Date

UNITED STATES MAGISTRATE JUDGE